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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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RICHARD EARL LOZANO,

Plaintiff,

*versus*

DENNIS C. AGRICOLA, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:13-CV-285

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Richard Earl Lozano, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Dennis C. Agricola, Dr. Robert Behrns, Ezequiel R. Aguirre, Jeffery R. Woodward and Paul V. Morrell.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the claims against defendants Aguirre, Woodward and Morrell as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

### **ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A partial judgment will be entered in this case in accordance with the magistrate judge's recommendation.

**Signed this date.**

**Nov 18, 2013**



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE